

abbreviated dialing. It shall be possible to provide these services to any individual line (single-party) subscriber. The addition of these services shall not reduce the anticipated ultimate engineered line, trunk, and traffic capacity of the switching system as specified in appendix A of this section.

(6) The requirements in this specification apply only to single party lines. Although only single frequency ringing is required, other types may be requested in appendix A of this section.

(7) Provision shall be made for local automatic message accounting (LAMA), and for traffic service position system (TSPS) trunks, or equivalent, to the operator's office when required either initially or in the future.

* * * * *

(11) Provision shall be made for hotel-motel arrangements, as required by the owner, to permit the operation of message registers at the subscriber's premises to record local outdial calls by guests (see Item 10.5, appendix A of this section).

* * * * *

(19) * * *

(vii) If the 911 service bureau is handling a calling line, it shall be possible for the 911 line to cause the equipment to ring back the calling line. This is done by providing a flash of on-hook signal from the 911 line lasting from 200 to 1,100 milliseconds. The signal to the calling line shall be ringing current if the line is on-hook, or receiver off-hook (ROH) tone if the line is off-hook.

* * * * *

(i) * * *

(2) * * *

(ix) Distinctive tone, when required for alarm calls, or other features, shall consist of high tone interrupted at 200 IPM with tone on 150 ms and off 150 ms.

* * * * *

(p) * * *

(1) * * *

(vi) The traffic capacity in the following table should be used for small trunk groups such as pay station, special service trunks, intercept, and PBX trunks, unless otherwise specified in appendix A of this section. * * *

* * * * *

(s) * * *

(5) * * *

(ii) * * *

(A) The ringing generators shall have an output voltage which approximates a sine wave and, as a minimum, shall be suitable for ringing straight-line ringers. Although not a requirement for RUS listing, decimonic, synchmonic, or

harmonic ringing may also be specified in appendix A of this section.

* * * * *

(C) The output of each generator shall have three or more voltage taps or a single tap with associated variable control. Taps or control shall be easily accessible as installed in the field. Software control of ringing generator outputs via I/O devices may be provided in lieu of taps. The taps, or equivalent, shall be designated L, M, and H. The variable control shall have a locking device to prevent accidental readjustment. The outputs at the terminals of the generators with a voltage input of 52.1 volts and rated full resistive load shall be as follows for the ringing frequencies provided. * * *

* * * * *

(6) * * *

(ii) The ringing cycle provided by the interrupter equipment shall not exceed 6 seconds in length. The ringing period shall be 2 seconds.

* * * * *

Appendix A to 7 CFR 1755.522 [Amended]

3. Appendix A to 7 CFR 1755.522 is amended by removing items 6.1.3, 6.1.4, and 6.1.5, redesignating items 6.1.6 through 6.1.16.2 as items 6.1.3 through 6.1.13.2, amending item 7.1 by removing from the table the entries "Two-party—Res", "Two-party—Bus", and "Four-party", removing items 10.2 through 10.2.1.3, and redesignating items 10.3 through 10.8.5 as items 10.2 through 10.7.5.

Appendix B to 7 CFR 1755.522 [Amended]

4. Appendix B to 7 CFR 1755.522 is amended by removing items 1.2 and 1.3 and redesignating items 1.5 through 1.9 as items 1.4 through 1.7.

Appendix C to 7 CFR 1755.522 [Amended]

5. Appendix C to 7 CFR 1755.522 is amended by revising item 3.1.3.1 to read as follows:

* * * * *

3.1.3.1 The number of directory numbers provided shall be based on the total directory numbers required (Item 6.1.11, appendix (A), as modified by the memory increment of the proposed system.

* * * * *

Dated: December 6, 1994.

Bob J. Nash,

Under Secretary, Rural Economic and Community Development.

[FR Doc. 95-247 Filed 1-4-95; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[FRA Docket No. RSOR 13, Notice No. 2
RIN 2130-AA86]

Roadway Worker Protection

AGENCY: Federal Railroad Administration (FRA); DOT.

ACTION: Notice of establishment of advisory committee for regulatory negotiation session and notice of first meeting.

SUMMARY: The Federal Railroad Administration is announcing the establishment of an advisory committee to develop a report including a recommended proposed rule concerning the protection of railroad employees who work on or adjacent to track and face the risk of injury from moving trains and equipment. The committee will adopt its recommendation through a negotiation process. The committee is composed of persons who represent interests affected by any rule adopted on this issue. This notice also announces the time and place of the first advisory committee meeting.

DATES: The first meeting of the advisory committee will begin at 9:30 a.m. on January 23-25, 1995.

ADDRESSES: The first meeting of the advisory committee will be held in Room 3200-3204 of the Nassif Building, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC. Subsequent meetings will be held at locations to be announced.

FOR FURTHER INFORMATION CONTACT: Christine Beyer or Cynthia Walters, Trial Attorneys, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Room 8201, Washington, DC 20590 (Telephone: 202-366-0621).

SUPPLEMENTARY INFORMATION:

I. Background

The Rail Safety Enforcement and Review Act, Pub. L. No. 102-365, 106 Stat. 972, enacted September 3, 1992, required FRA to review and revise its track safety standards, and to complete "an evaluation of employee safety." FRA issued an Advance Notice of Proposed Rulemaking (ANPRM) on November 16, 1992 (57 FR 54038) to begin the proceeding to amend the Federal Track Safety Standards (49 C.F.R. Part 213). Following publication of the ANPRM, FRA conducted a series of workshops to gather the industry's views on the need for changes to FRA's track regulations. One such workshop

held on March 31, 1993 was devoted specifically to employee safety and addressed the hazards associated with working adjacent to moving trains and equipment. It was determined that for the purposes of any proceeding, the term "roadway worker" would be used rather than "maintenance of way employee" to describe the group of employees at risk. This term encompasses all employees of a railroad or a contractor to a railroad who construct, maintain, inspect or repair railroad tracks, structures, signal and train control systems, communication systems, utility systems, or any other fixed property of a railroad while in close or potentially close proximity to tracks on which trains or equipment can be operated. The term applies regardless of the craft or class title of the employee, affiliation with any labor organization, or rank within the railroad organization.

Because FRA decided that this issue should be addressed quickly and because the hazards involved relate more closely to employee safety than to track standards, FRA moved roadway worker safety from the track safety standard review (FRA Docket No. RST-90-1) and placed it in FRA Docket No. RSOR 13.

Since 1989, 24 roadway workers have been fatally injured by moving trains or equipment. Ten workers were struck by trains while performing work, four were struck by trains on track adjacent to the work location, five stepped into a train's path, and five were struck by maintenance-of-way equipment. These fatalities are among the following crafts: signal maintainers, machine operators, welders, track foremen, track inspectors, and track laborers. These figures reflect a serious problem that may require changes in railroad operating rules, training and practices. In the past year, the Brotherhood of Maintenance of Way Employees and the Brotherhood of Railroad Signalmen have filed petitions for emergency order and rulemaking that suggest procedures to reduce roadway worker fatalities and injuries.

On June 3, 1994 FRA Administrator Jolene M. Molitoris convened a meeting with all affected industry representatives to discuss what actions the industry and the agency should take to prevent injuries and fatalities among roadway workers. FRA and the industry concluded that extensive input from all interested parties would be necessary to develop a rule that will address both the risk of injury from moving railroad equipment and the operational concerns that the issue presents. Therefore, it was determined that the agency should initiate a negotiated rulemaking to

develop new standards to protect roadway workers.

On August 17, 1994 FRA published a notice of intent to establish an advisory committee (Committee) for regulatory negotiation to develop a report including a recommended proposed and final rule concerning protection for roadway workers (59 FR 42200). The notice requested comment on membership, the interests affected by the rulemaking, the issues the Committee should address, and the procedures it should follow. The notice also announced the intent to seek the services of a professional neutral to facilitate the negotiations and requested nominations for this position from the industry.

FRA received over 30 comments on the notice of intent. None of the comments opposed using regulatory negotiation for this rulemaking; most endorsed the process and included requests to serve on the Committee. Based on this response and for the reasons stated in the notice of intent, FRA has determined that establishing an advisory committee on this subject is necessary and in the public interest. In accordance with Section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. I § 9(c), FRA prepared a Charter for the establishment of the Roadway Worker Safety Advisory Committee. On December 27, 1994 the Office of Management and Budget approved the Charter, authorizing the Committee to begin negotiating the provisions of a proposed rule.

II. Mediators

In the notice of intent, FRA stated that it was seeking an impartial mediator to conduct the negotiations. FRA is pleased to announce that the Federal Mediation and Conciliation Service (FMCS) has agreed to provide mediation personnel for this purpose.

III. Membership

In addition to a representative from FRA, the Committee will consist of the following members:

American Public Transit Association (APTA)
The American Short Line Railroad Association (ASLRA)
Association of American Railroads (AAR)
Brotherhood of Locomotive Engineers (BLE)
Brotherhood of Locomotive Engineers, American Train Dispatchers Department (ATDA)
Brotherhood of Maintenance of Way Employees (BMWE)
Brotherhood of Railroad Signalmen (BRS)

Burlington Northern Railroad (BN)
Consolidated Rail Corporation (Conrail)
CSX Transportation, Inc. (CSX)
Florida East Coast Railway Company (FEC)
Metra
National Railroad Passenger Corporation (AMTRAK)
Norfolk Southern Corporation (NS)
Regional Railroads of America (RRA)
Transport Workers Union of America (TWU)
Union Pacific Railroad Company (UP)
United Transportation Union (UTU)

In order to ensure balance on the Committee, the BMW and BRS will be represented by more than one individual: five for the BMW and three for the BRS. FRA was not able to grant requests for multiple seats made by two other organizations. APTA and RRA each submitted two names for membership, and FRA chose one name from each organization. In making those decisions, the agency selected the individuals with operating experience rather than the lawyers that were nominated by APTA and RRA. FRA believes that the Committee will benefit greatly from members who have actual knowledge of railroad operating practices and hands-on field experience with those practices.

FRA regrets being unable to accommodate all requests for membership on the Committee. Several factors, which were listed in the notice of intent, guided FRA's decision to limit the Committee's size to 25. The Committee must be kept to a size that permits effective negotiation, but that ensures all interests a voice in the recommendation adopted. Although FRA would have preferred a smaller Committee, the agency erred on the side of inclusion to be certain that all interests affected by a rule would be represented in this process.

Summarized below is FRA's rationale for denying the remaining applications for membership.

The Chicago and North Western Railway Company (CNW) requested representation on the Committee, but unfortunately could not be selected. Other Class 1 railroads on the Committee work with operating procedures, environmental conditions, topographical characteristics, and employee relations that are quite similar to those of CNW. Each of these factors may impact the content of a recommended proposed rule and so it is important that they be fully represented. However, FRA believes that AAR, BN, CSX, Conrail, NS, and UP adequately represent CNW's interests.

The Massachusetts Bay Transportation Authority (MBTA)

petitioned for membership on the Committee, but was not selected. MBTA is a commuter line in the northeast with operational characteristics that are very similar to those of Amtrak, a Committee member. Also, APTA's Committee member will represent all commuter lines in this proceeding. Therefore, FRA believes that MBTA's interests will be adequately represented by the other commuter rail organizations on the Committee.

The Long Island Rail Road (LIRR) requested Committee membership and nominated its Executive Director of System Safety to serve as its representative. Although FRA was not able to select LIRR for Committee membership, its nominee will serve on the Committee representing the interests of APTA and all public transit organizations. Therefore, LIRR's interests will be effectively considered during the negotiation process.

The Wisconsin Central Ltd. (WC) requested representation on the Committee and nominated its Vice President of Engineering to represent its interests. This individual was also nominated to represent RRA. FRA was unable to select WC individually, but its nominee has been chosen to represent RRA and all regional railroads. Therefore, WC's interests will be adequately addressed in the negotiation process.

Finally, the National Railroad Construction and Maintenance Association, Inc. (NRCMA) filed a request for membership jointly with RRA, and nominated its Executive Vice President to represent the interests of NRCMA and RRA. As indicated above, RRA filed a second application for representation asking that WC's Vice President of Engineering also represent their interests. As already stated, this individual has been chosen to represent RRA (and WC implicitly) because he brings extensive hands-on experience to the proceeding. FRA deliberated over NRCMA's application, and determined that its interests will be effectively represented by the railroads and labor organizations on the Committee who currently have primary responsibilities for protecting roadway workers. NRCMA's duties derive from and are subject to those of the railroads with whom they contract for maintenance and construction work. Given the limitations the agency faces in creating a Committee of reasonable size, and the broad spectrum of railroads and employee crafts represented on the Committee, FRA believes that NRCMA's interests will be effectively addressed in this process. Also, public participation will be a key component of this process;

all Committee meetings will be open to the public, and the Committee is expected to devise procedures that will periodically permit comment from the public. FRA will hold a public hearing after issuing a proposed rule, and will invite and consider comments from organizations such as the NRCMA before promulgating any final standard.

IV. Participation by Non-Members

FRA believes that public participation is critical to the success of this proceeding. Participation is not limited to Committee members. Negotiation sessions will be open to the public, so interested parties may observe the negotiations and communicate their views in the appropriate time and manner to Committee members. Also, interested groups or individuals may have the opportunity to participate with working groups of the Committee. FRA believes that this sort of participation will produce meaningful information and lead to a more effective roadway worker safety program. Of course, FRA will invite comment on the proposed rule resulting from the Committee's deliberations and hold a public hearing to hear additional comments.

V. Major Issues

In its notice of intent, FRA tentatively identified major issues to consider in the negotiation and asked for comment on whether the issues presented were appropriate and if alternate or additional issues should be considered. Unfortunately, most comments submitted were devoted to issues of membership rather than rule substance. Listed below are subjects FRA believes the negotiation process should address:

1. Devices available that would reduce the risk of injury to roadway workers;
2. Practices and training programs currently in use or that may be instituted to reduce the risk of injury to roadway workers;
3. The extent to which environmental, topographical, and operational conditions do or should cause variations in any roadway worker safety program;
4. The type and extent of FRA enforcement and recordkeeping requirements necessary to protect roadway workers; and
5. The costs associated with developing an effective roadway worker safety program. (The costs include but are not limited to the burden on railroads and local, state, and federal government entities.)

FRA believes that the negotiation process should be open to discussion about these and any other relevant

matters the Committee finds necessary to explore.

VI. Procedure and Schedule

Those who commented on the notice of intent generally did not address Committee procedures. FRA anticipates that all or a substantial majority of the negotiation sessions will take place in Washington, D.C. at DOT headquarters. Given FRA's limited resources, travel outside of Washington, D.C. for the purpose of holding negotiation sessions is unlikely. However, FRA will consider any recommendations made by the Committee in this regard.

FRA will not make any determinations at this time concerning the frequency or timing of public hearings, or the development of negotiation subcommittees. FRA's ability to hold public hearings will be subject to the availability of funds for this purpose. However, FRA will consider any recommendations the Committee makes on these matters.

Consistent with requirements of the Federal Advisory Committee Act, a clear and comprehensive record of the Committee's deliberations should be kept and circulated to Committee members. FRA will provide an administrative specialist to the Committee to complete these duties and assist with drafting any additional documents, including the Committee's report. The Committee may also choose to designate additional individuals to draft documents.

The objective of the negotiation, in FRA's view, is for the Committee to produce a report recommending a course of action for FRA to follow that will prevent roadway worker injuries and fatalities. FRA anticipates that the report will include a draft NPRM on which the Committee has reached consensus. This approach is consistent with recommendations of the Administrative Conference of the United States on regulatory negotiation. As stated in the notice of intent, FRA will proceed on its own if the Committee cannot reach consensus on a recommended course of action. In that event, FRA will make every attempt to include provisions that the Committee did reach agreement on in the agency's NPRM. Also, as stated in the notice of intent, FRA must review the Committee's recommendations for enforceability and effectiveness. If the agency determines that the report contains recommendations which are unenforceable, contrary to existing law, or completely ineffective, FRA may abandon or amend the Committee's recommendations. However, we believe

likelihood of such a situation is remote, and will seek to avoid this result.

In view of the high priority FRA has given this proceeding and the facilitation contract limitations, the agency is asking the advisory committee to complete negotiations for the NPRM by May 1, 1995. FRA realizes that this deadline is ambitious, but we believe that it will encourage serious and efficient negotiation by all parties.

The negotiation process will otherwise proceed according to a schedule of specific dates that the

Committee devises at the first meeting to be held on January 23–25, 1995. As time permits, FRA will publish notices of future meetings in the **Federal Register**. The first meeting is scheduled to begin at 9:30 a.m. in Room 3200–3204 of the Nassif Building, DOT headquarters. This session will commence with an orientation and regulatory negotiation training program conducted by facilitators from the Federal Mediation and Conciliation Service. After the training program, the Committee will devise its procedures

and calendar, and will then begin substantive deliberations on roadway worker safety. FRA has given advance notice of this meeting to all Committee members and believes that all members will be present for this first and important meeting.

Issued this 29th day of December, 1994.

S. Mark Lindsey,

Acting Administrator, Federal Railroad Administration.

[FR Doc. 95–201 Filed 1–4–95; 8:45 am]

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